

110TH CONGRESS  
1ST SESSION

# S. 1229

To amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2007

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Hass Avocado Quality  
5       Assurance Act of 2007”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) Hass avocados are an integral food source  
2           in the United States that are a valuable and healthy  
3           part of the human diet and are enjoyed by millions  
4           of persons every year for a multitude of everyday  
5           and special occasions.

6           (2) Hass avocados are a significant tree fruit  
7           crop grown by many individual producers both do-  
8           mestically and abroad.

9           (3) Hass avocados move in interstate and for-  
10          eign commerce and Hass avocados that do not move  
11          in interstate or foreign channels of commerce but  
12          only in intrastate commerce directly affect interstate  
13          commerce of Hass avocados.

14          (4) The maintenance and expansion of markets  
15          in existence on the date of enactment of this Act,  
16          and the development of new or improved markets or  
17          uses for Hass avocados, are needed to preserve and  
18          strengthen the economic viability of the domestic  
19          Hass avocado industry for the benefit of producers,  
20          importers, and other persons associated with the  
21          producing, importing, marketing, processing, and  
22          consuming of Hass avocados.

23          (5) The marketing of immature Hass avocados  
24          adversely affects demand for all Hass avocados be-  
25          cause immature avocados are unpalatable and unfit

1       for human consumption and, when marketed, result  
2       in dissatisfied customers who will cease purchasing  
3       Hass avocados.

4           (6) There is no better method of ensuring the  
5       maturity of Hass avocados than through requiring  
6       that Hass avocados meet an established mandatory  
7       minimum maturity standard, as measured by per-  
8       centage of dry matter.

9           (7) The application of consistent and manda-  
10      tory minimum maturity standards for all Hass avo-  
11      cados is necessary for the maintenance, expansion,  
12      and development of markets for Hass avocados.

13      (b) PURPOSE.—It is the purpose of this Act to set  
14      forth certain mandatory quality standards in the form of  
15      mandatory minimum maturity requirements for all Hass  
16      avocados, and to provide the Secretary with the authority  
17      necessary to ensure that such standards are met, with the  
18      intention of—

19           (1) strengthening the position of the Hass avo-  
20      cado industry in the domestic marketplace; and

21           (2) maintaining, developing, and expanding  
22      markets and uses for Hass avocados.

1 **SEC. 3. MATURITY REQUIREMENTS FOR HASS AVOCADOS.**

2 Subtitle A of the Agricultural Marketing Act of 1946  
3 (7 U.S.C. 1621 et seq.) is amended by adding at the end  
4 the following:

5 **“SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCA-**  
6 **DOS.**

7 “(a) IN GENERAL.—Not later than 180 days after  
8 the date of the enactment of the Hass Avocado Quality  
9 Assurance Act of 2007, the Secretary of Agriculture shall  
10 issue final regulations to ensure that all Hass avocados  
11 sold to consumers in the United States meet the minimum  
12 maturity standards (as measured by percentage of dry  
13 matter) for sale to a consumer of the State of California,  
14 as required by regulations issued pursuant to chapter 9  
15 of division 17 of the California Food and Agricultural  
16 Code or any succeeding provision of California law gov-  
17 erning the minimum maturity standards of Hass avocados  
18 for sale to a consumer.

19 “(b) EXCEPTIONS.—Subsection (a) and the regula-  
20 tions issued pursuant to subsection (a) shall not apply to  
21 Hass avocados—

22 “(1) intended for consumption by charitable in-  
23 stitutions;

24 “(2) intended for distribution by relief agencies;

25 “(3) intended for commercial processing into  
26 products; or

1           “(4) that the Secretary determines should not  
2           be subject to such subsection or such regulations.

3           “(c) USE OF EXISTING INSPECTORS.—The Secretary  
4 shall, to the greatest extent practicable, use inspectors  
5 that inspect avocados for compliance with section 8e of  
6 the Agricultural Adjustment Act (7 U.S.C. 608e-1), reen-  
7 acted with amendments by the Agricultural Marketing  
8 Agreement Act of 1937, to conduct inspections under this  
9 section.

10          “(d) PENALTIES.—

11           “(1) DIVERSION.—The Secretary may divert,  
12 export, or repack and reinspect any Hass avocados  
13 that do not meet the requirements of this section or  
14 the regulations issued pursuant to this section.

15           “(2) CIVIL PENALTIES.—The Secretary may re-  
16 quire any person who violates this section or the reg-  
17 ulations issued pursuant to this section to—

18           “(A) forfeit to the United States a sum  
19 equal to the value of the commodity at the time  
20 of violation, which forfeiture shall be recover-  
21 able in a civil suit brought in the name of the  
22 United States; or

23           “(B) on conviction, be fined not less than  
24 \$50 or more than \$5,000 for each violation.

1       “(e) FEES.—The Secretary may prescribe and collect  
2 fees to cover the costs of providing for the inspection of  
3 Hass avocados under this section. All fees and penalties  
4 collected shall be credited to the accounts that incur such  
5 costs and shall remain available until expended without  
6 fiscal year limitation.

7       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as may be  
9 necessary to carry out this section.”.

10 **SEC. 4. SEVERABILITY.**

11       If any provision of this Act or the amendment made  
12 by this Act, or the application of such provision to any  
13 person or circumstance, is held invalid, the remainder of  
14 this Act and the amendment made by this Act, and the  
15 application of such provision to other persons not similarly  
16 situated or to other circumstances, shall not be affected  
17 by such invalidation.

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